

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

Case No.: 2:06-cr-00160-APG-RJJ

## Plaintiff

## **Order Denying Certificate of Appealability**

V.

FALASHA ALI,

## Defendant

Defendant Falasha Ali has appealed my order denying his motions to set aside the  
September 2010 judgment. ECF Nos. 106, 177, 178, 180. That appeal has been assigned  
a case number 18-17009. ECF No. 181. The Ninth Circuit has indicated that a briefing  
will in case number 18-17009 will not be entered until I determine whether to issue a  
certificate of appealability. *Id.*

To obtain a certificate of appealability, Ali “must make a substantial showing of the denial of a constitutional right, a demonstration that . . . includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (quotation omitted). Because reasonable jurists could not debate these motions were properly denied, I deny a certificate of appealability for case number 18-17009.

21 However, I note that I previously granted a certificate of appealability of my order  
22 denying Ali's § 2255 motion filed in 2017. ECF No. 165. That case has been assigned appeal  
23 number 17-16777 at the Ninth Circuit. ECF No. 171.

1 IT IS THEREFORE ORDERED that I **DENY** a certificate of appealability for appellate  
2 case number 18-17009.

3 DATED this 22nd day of October, 2018.

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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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